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Attorney Docket No. 826.1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Toru OZAKI et al.

Application No.: 09/933,766

Group Art Unit: 3625

Confirmation No.: 6192

Filed: August 22, 2001

Examiner: Robert E. Rhode, Jr.

For: **COMMERCE INFORMATION DISTRIBUTION SYSTEM AND COMMERCE
INFORMATION MANAGING METHOD**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 29, 2005, Applicants elect claims 1-5 and 7 identified by the Examiner as Species Ia of Group I, with traverse.

It is submitted that there was no basis for issuing a Restriction Requirement in response to the Amendment filed August 12, 2005. All of the claims have been examined previously and the changes made to the claims should not require further search in areas different from one another that were not searched previously. Both claims 1 and 10 were amended to add that a "commercial message broadcast and the commercial message information relating to the commercial message broadcast" (claim 1, lines 6-8) are transmitted "in parallel" (claim 1, line 6) which is recited in claim 10 as "receiving commercial message information in parallel with a commercial message broadcast related thereto" (claim 10, lines 3-4). In addition, both claims 1 and 10 were amended to recite "commercial message broadcast designation information contained in the commercial message information and designating at least the commercial message broadcast" (claim 1, lines 9-11) which is recited in claim 10 as "commercial message broadcast designation information obtained from the commercial message information and designating at least the commercial message broadcast" (claim 10, lines 12-13). These changes have not made claims 1 and 10 more different from one another than as originally filed. If claims 1 and 10 could be examined together to issue the first Office Action, there is no reason why they cannot continue to be examined in the same application.

Similarly, all of the dependent claims have already been examined once. The change from "analyzing data of managed commerce information" to "analyzing data of the commerce information being managed" on line 2 of claim 6 did not create a new species that was not previously present in the application. Furthermore, since claim 7 is in all of the "species" identified in the September 29, 2005 Restriction Requirement and there are no multiple dependent claims, these cannot be separate species. Therefore, even if the Restriction Requirement is not withdrawn with respect to the previously examined Groups I and II, all of the claims dependent from claim 1 should be examined.

For the above reasons, withdrawal of the Restriction Requirement and examination of all of the claims, or at least claims 1-19, 28 and 29, is respectfully requested.

Respectfully submitted,

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Date: 10/31/05

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